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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,974	07/31/2000	Katsuo Doi	1035-276	4498

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EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/629,974

Applicant(s)

DOI ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date January 18, 2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on January 26, 2005. Previous office action contained claims 1-13, and 25-28. Applicant amended claims 1, 12, and 13, added claims 29-31. Amendment filed on January 26, 2005 have been entered and made of record. Therefore, pending claims 1-13 and 25-31 are presented for further consideration and examination.

### *Response to Arguments*

2. Applicant's arguments filed January 26, 2005 have been fully considered but they are not persuasive. Applicants argued in page 12 lines 11-14 that Lee et al. (Hereafter, Lee) U.S. Patent 6,601,100 does not disclose or suggest *storing the extracted referring URL as reference information and counting means for counting the reference information to obtain a total number of times references made for each referring URL*. Examiner respectfully submits that Lee teaches storing the extracted referring URL as reference information and counting means for counting the reference information to obtain a total number of times references made for each referring URL (col. 5 lines 54-57; col. 11 lines 12-26 and lines 62-67). In response to applicant's argument with respect to page 13 lines 1-2 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., counting the number of times a particular URL page is used as a referrer to refer a client to other data file(s)/site(s)) are not recited in the rejected claim(s). Although the claims are interpreted in

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light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants still have failed to clearly disclose the novelty of the invention and identify specific limitation which would define patentable distinction over prior art.

### ***Claim Rejections - 35 USC § 112***

3. Claims 29-31 are objected by examiner due to incomplete “*when the client computer makes an access to a URL of a lower hierarchical order than the referring URL, that is hyperlinked to a page of the referring URL*”. Examiner suggested applicant to modify or change the claim language to make it complete. Appropriate correction is required.

In addition to claims 29-31, the limitation “*counting means is for counting a referred number of times of the referring URL stored in said reference information storing means*” is unclear whether it means for counting a number of visiting of the referring URL by the client or it means for incrementing the referring URL’s counter when the client access to a URL of a lower hierarchical order through the referring URL. For examination purposes, the examiner takes means for counting a number of visiting of the referring URL by the client.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13, and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (Hereafter, Lee) U.S. Patent 6,601,100.
6. Regarding claims 1,12, and 13, Lee discloses extracting means for extracting a referring URL (Uniform Resource Locator) from a request header from a data file, the request outputted to the network from the specific client computer, reference information storing the thus extracted referring URL as reference information (col. 5 lines 54-64; col. 6 lines 2-21; col. 7 lines 23-30); counting means for counting the reference information to obtain a total number of times references made for each referring URL, and output means for outputting a result of the counting to specific client computer (Figure 7, col. 5 lines 54-64; col. 11, lines 12-25 and lines 62-67).
7. Regarding claim 2, Lee discloses information source monitor device is incorporated into the client computer (Figure 1, client web browser).
8. Regarding claim 3, Lee discloses information source monitor device is constructed as a part of a browser in the client computer (Figure 2).
9. Regarding claim 4, Lee discloses information source monitor device is positioned at a relay point between the server computers and the client computer (Figure 2, client requests web pages from web server system).
10. Regarding claim 5, Lee discloses reference information extracting means for extracting information of a referring URL from a request header which is issued by the client computer when the client computer accesses a data file on the server computer (col. 5, lines 45-64).

11. Regarding claim 6, Lee discloses reference information extracting means extracts a data type of a data file from a response header which is issued by the server computer when the client computer accessed the data file on the server computer (col. 5, lines 45-64).

12. Regarding claim 7, Lee discloses sorting means for counting the reference information according to data types to find a total number of times reference was made to each referring URL (col. 11, lines 62 through col. 12, lines 7; col. 12, lines 53-63; and col. 14, last paragraph through col. 15, 1<sup>st</sup> paragraph).

13. Regarding claim 8, Lee discloses data converting means for converting data of the reference information into a displayable data format (col. 2, lines 49-62; and col. 9, lines 30-39).

14. Regarding claim 9, Lee discloses reference information storing means further storing a text belonging to a data file accessed by the client computer (Figure 3; col. 7, lines 23-35; col. 7, lines 47-57; and col. 8, lines 36-45).

15. Regarding claim 10, Lee discloses information accumulating means for accumulating as a cache a predetermined amount of data files accessed by the client computer, and, information updating means for updating data files at referring URLs and data files linked to the data files at the referring URLs at a predetermined link level in the cache at predetermined time intervals according to a counting result of the reference information by accessing a corresponding server computer (col. 6, lines 26-55).

16. Regarding claim 11, Lee discloses searching means for searching the data files in the cache (col. 6, lines 26-55).

17. Regarding claim 25, Lee reference discloses page is a HTML page (col. 10, lines 3-10).

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18. Regarding claims 26-28, Lee reference discloses the counting is for counting the reference information to obtain a total number of times references made for each referring URL so that a count value is increased each time a given page is used to link to another or destination linked page (col. 14, lines 41 through col. 15, lines 14).

19. Regarding claims 29-31, Lee discloses reference information storing means stores at least a referring URL as reference information, when the client computer makes an access to a URL of a lower hierarchical order than the referring URL, that is hyperlinked to a page of the referring URL (col. 5 lines 54 through col. 6 lines 15; col. 10 lines 24-38); and wherein said counting means is for counting a referred number of times of the referring URL stored in said reference information storing means (col. 11 lines 12-16, 40-46, and 62-67).

### *Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida et al. U.S. Pub. No. 2002/0002556 A1

Inohara et al. U.S. Patent 6,182,111 B1

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

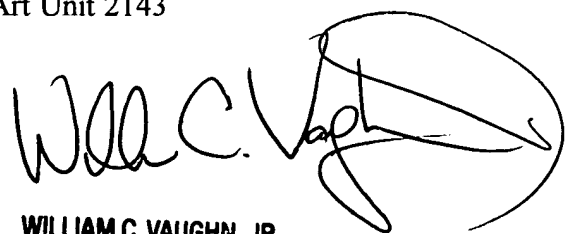
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

May 3, 2005

A handwritten signature in black ink, appearing to read "W.C. Vaughn", with a large, stylized flourish extending from the end of the signature.

**WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER**